THE PROTECTION OF PILGRIMS ACT, 1887.

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BOMBAY ACT No. II OF 1887.[1]

[*4th June, 1887.*]

An Act to provide for the protection of pilgrims at the ports of Bombay and Karachi.

Preamble. WHEREAS it is expedient to provide for the protection of pilgrims at the ports of Bombay and Karachi; It is enacted as follows:—

Short title. **1.** This Act may be cited as "The Protection of Pilgrims Act, 1887".

Extent. It extends only to the cities and ports of Bombay and Karachi.

Definitions "pilgrim": **2.** In this Act,—

(*1*) "pilgrim" means a Muhammadan who is about to proceed from the port of Bombay or Karachi on a pilgrimage to the Hedjaz, whether he is going direct to Jeddah, or *viâ* any other port:

"pilgrim-broker": (*2*) "pilgrim-broker" means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets for pilgrims:

"agent": (*3*) "agent" includes a person who has chartered a vessel for the conveyance of pilgrims:

"the Commissioner". (*4*) "the Commissioner" means, in Bombay, the Commissioner of Police or his deputy: and in Karachi such officer as the Governor in Council may [2]appoint.

Penalty for acting as a pilgrim-broker without a license. **3.** Any person who, without a license from the Commissioner, acts as a pilgrim-broker shall be liable for each such offence to a fine which may extend to five hundred rupees.

Persons may be licensed to act as pilgrim-brokers. **4.** Subject to the orders of the Governor in Council, the Commissioner may grant to such persons as he thinks fit licenses to act as pilgrim-brokers.

The said licenses shall be granted on such conditions and subject to such restrictions and limitations for the honest and good behaviour of the licensees as Government may from time to time prescribe.

Licenses what to specify. **5.** Every license so granted shall specify—

(*a*) The name and business-address of the licensee;

(*b*) the period for which it is to be in force;

(*c*) the conditions on which, and the restrictions and limitations subject to which, it is granted;

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1886, Pt. V, p. 11; for Report of the Select Committee, *see ibid*, p. 172; and for Proceedings in Council, *see ibid*, p. 89, and *ibid*, 1887, p. 15.

[2] For notification making such an appointment, *see* list prefixed to the Bombay Local Rules and Orders.

and shall be granted on payment of such fee, if any, as Government may from time to time direct.

Penalty for misbehaviour of licensed pilgrim-broker.

6. Any licensed pilgrim-broker who shall—

(*a*) commit a breach of any of the terms or conditions of his license;

(*b*) purchase for or sell to any pilgrim a passage-ticket by any vessel to which the provisions of the [1][[2]Pilgrim Ships Act, 1895], apply, at any time before notice has been given by the master, owner or agent of such vessel, under section [3][8] of the said Act, of the date on which it is proposed that such vessel shall sail, and unless, in the case of any vessel, the proposed date of sailing is printed on the passage-ticket;

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(*c*) charge a pilgrim more than the cost price of any passage-ticket, provisions or other articles purchased for him, or receive from him any fee or commission on account of such ticket;

(*d*) receive from the master, owner or agent of a vessel any fee or commission, in respect of the sale of any ticket, exceeding five per centum of the price of such ticket;

(*e*) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner or agent of the vessel for each class of accommodation;

(*f*) by fraud or by false representation as to the size of, or accommodation on board, such vessels, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket;

shall be liable for each such offence to a fine which may extend to five hundred rupees.

Power to suspend and cancel licenses.

7. The Commissioner may suspend the license of any pilgrim-broker pending inquiry into any accusation against him of misconduct for which, if proved, he would be liable to a penalty under the last preceding section, and may cancel any license granted by him if the licensee is convicted of any offence under the said section or of any criminal offence.

Appointment of Protectors of Pilgrims.

8. Government may from time to time appoint persons, being Muhammadans, to be Protectors of Pilgrims for the ports of Bombay and Karachi.

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[1] These words were substituted for the words "Native Passenger Ships Act, 1876," by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

[2] Genl. Acts, Vol. IV.

[3] This figure was substituted for the word "seven" by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

Their duties.

The persons so appointed shall, for the purposes of this Act, be subordinate to the Commissioner in Bombay and Karachi, respectively, and shall, with the co-operation of the police, aid the Commissioner in giving effect to the provisions of this Act. They shall also advise and generally assist pilgrims during their stay in Bombay or Karachi whilst proceeding to or returning from the Hedjaz, and exercise supervision over the proceedings of licensed pilgrim-brokers.

Power to enter vessels conveying pilgrims.

9. The Protectors of Pilgrims, or any persons authorized by the Commissioner in this behalf, shall be at liberty at all times to enter and inspect any vessel advertised or offering to convey pilgrims from the port of Bombay or Karachi.

Penalty for not facilitating inspection.

10. The master or any officer of any such vessel who does not afford every facility for such inspection shall be liable to a fine which may extend to five hundred rupees.

Particulars to be supplied by the master, owner or agent of vessel conveying pilgrims.

[1][**11.** (*1*) The master, owner or agent of every vessel shall, before advertising such vessel for the conveyance of pilgrims or offering to convey any pilgrim by such vessel or selling or permitting any person to sell a passage-ticket to any pilgrim for conveyance by such vessel, be bound to supply the Protector of Pilgrims with full particulars as to the class, tonnage and age of the vessel, the maximum number of tickets of each class to be issued, the price of each class of ticket, the latest date of sailing, the ports, if any, to be touched at, and the probable date of arriving at Jeddah.

(*2*) The price advertised for each class of ticket by such master, owner or agent shall be in conformity with the price intimated to the Protector of Pilgrims.

(*3*) Such master, owner or agent shall be bound to supply the Protector of Pilgrims, within three days from the date of demand, with such further particulars connected with the aforesaid matters as the Protector of Pilgrims may in writing demand from him.]

Penalty for contravention of section 11.

[2][**12.** Any such master, owner or agent who, without reasonable excuse, the burden of proving which shall lie upon him, fails or refuses to supply such particulars or such further particulars or supplies false particulars, or charges a price for a ticket of any class higher than the price of such class as intimated to the Protector of Pilgrims, or advertises a price which is not in conformity with the price so intimated, shall be liable to a fine which may extend to five hundred rupees.]

Duty of master, owner or

[3][**12A.** Any such master, owner or agent who is unable to despatch such vessel on the latest date of sailing as intimated by him to the Pro-

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[1] Section 11 was substituted by s. 3 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

[2] Section 12 was substituted by s. 4, *ibid.*

[3] Sections 12A and 12B were inserted by s. 5, *ibid.*

tector of Pilgrims shall be bound to apply to the Commissioner for permission to despatch the vessel on a subsequent date, whereupon it shall be in the discretion of the Commissioner to reject such application, or to grant it, wholly or in part, provided that the Commissioner shall not grant the application unless the master, owner or agent satisfies him that his inability to despatch the vessel was owing to some unavoidable circumstance and not owing to any negligence or culpable omission on his part.]

Agent in regard to the date of sailing.

[1][**12B.** If any such master, owner or agent, without reasonable excuse, the burden of proving which shall lie upon him, fails to despatch such vessel on the latest date of sailing as intimated by him to the Protector of Pilgrims or on such subsequent date as the Commissioner may have permitted, such master, owner or agent shall be liable to a fine which may extend to one thousand rupees for the first day of detention, and to a further fine, which may extend to five hundred rupees, for each succeeding day of detention excluding the day on which the vessel leaves the port of embarkation.]

Penalty for failure to despatch the vessel on the latest date of sailing or the subsequent date permitted by the Commissioner.

13. Any master, owner or agent of any vessel carrying pilgrims, who shall issue any passage-ticket in excess of the number allowed by the certificate granted under section [2][11 of the [3]Pilgrim Ships Act, 1895], shall for every passage-ticket so issued be liable to a fine not exceeding four times the cost price of such ticket.

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Penalty for issue of tickets in excess.

14. All passage-tickets shall be numbered consecutively according to the order of issue; and any master, owner or agent, who shall issue two or more tickets bearing the same number, shall be liable to a fine not exceeding one thousand rupees.

Passage-tickets how to be numbered. Penalty for issue of tickets bearing same number.

15. The provisions of sections [4][51, 52 and 54 of the [3]Pilgrim Ships Act, 1895], shall apply to all offences punishable, and to all penalties leviable, under this Act.

XIV of 1895.

Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner.

Penalties to be enforced only at the instance of the Commissioner.

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[1] *See* footnote 3 on p. 580, *supra*.

[2] These words and figures were substituted for the words and figures "ten of the Native Passenger Ships Act, 1876," by s. 6 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

[3] Genl. Acts, Vol. IV.

[4] These words and figures were substituted for the words and figures "thirty-nine, forty and forty-two of the Native Passenger Ships Act, 1876," by s. 7 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.